

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARY DESMOND, THOMAS ZIOBROWSKI,
PAUL WATTS on their own behalf and on
behalf of other participants in the defendant ERISA
Plans

Plaintiffs,

v.

Civil Action No. 05-cv-10355 NG

MORTON C. BATT, ANTHONY L. SCIALABBA,
CITISTREET, LLC,
SCIALABBA & MORRISON, P.C.,
ANTHONY L. SCIALABBA & ASSOCIATES,
P.C.

THE STANDARD AUTOMOTIVE 401(K) PLAN,
THE STANDARD AUTOMOTIVE EMPLOYER
CONTRIBUTION PLAN,

Defendants.

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

MORTON BATT, JOHN E. ELLIOTT II,
ANTHONY L. SCIALABBA, and the
THE STANDARD AUTOMOTIVE 401(K) PLAN

Defendants/Third Party Plaintiffs

v.

CITISTREET, LLC,

Third Party Defendant

**PLAINTIFFS' MOTION FOR APPROVAL OF
INDEPENDENT FIDUCIARY'S PLAN OF DISTRIBUTION**

Now come the plaintiffs Mary Desmond, Thomas Ziobrowski and Paul Watts (the

“Representative Plaintiffs”), on their own behalf and on behalf of the other participants in the Standard Automotive 401(k) Plan, and seek the Court’s approval of the plan of distribution proposed by the Independent Fiduciary dated June 21, 2007 and entered on the docket on July 5, 2007 (Document No. 90).

As grounds for this Motion, the Representative Plaintiffs state that notice of the Independent Fiduciary’s distribution plan was sent to all participants, that no objections have been received, that the proposed distribution plan is fair and reasonable in minimizing expenses borne by the Plan participants and speeding the distribution of 401(k) retirement funds which have been beyond the reach of Plan participants (including some retirees) for over four years.

A proposed order is attached as Exhibit 1.

Plaintiffs,

By their attorneys,

/s/ Thomas P. Smith
Thomas P. Smith (BBO #555513)
CAFFREY & SMITH, P.C.
300 Essex Street
Lawrence, MA 01840
Telephone: (978) 686-6151
Telecopy: (978) 686-3399

Date: July 13, 2007

CERTIFICATE OF SERVICE

I, Thomas P. Smith, served a copy of the foregoing document on those parties whose counsel have registered with the Court's ECF service by employing such service for filing this document.

Date: July 13, 2007

/s/ Thomas P. Smith
Thomas P. Smith

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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PAUL WATTS on their own behalf and on)
behalf of other participants in the defendant ERISA)
Plans)

Plaintiffs,)

v.)

Civil Action No. 05-cv-10355 NG

MORTON C. BATT, ANTHONY L. SCIALABBA,))
CITISTREET, LLC,)
SCIALABBA & MORRISON, P.C.,)

ANTHONY L. SCIALABBA & ASSOCIATES,)
P.C.)

THE STANDARD AUTOMOTIVE 401(K) PLAN,))
THE STANDARD AUTOMOTIVE EMPLOYER)
CONTRIBUTION PLAN,)

Defendants.)

ELAINE L. CHAO, Secretary of Labor,)
United States Department of Labor,)

Plaintiff,)

v.)

MORTON BATT, JOHN E. ELLIOTT II,)
ANTHONY L. SCIALABBA, and the)
THE STANDARD AUTOMOTIVE 401(K) PLAN)

Defendants/Third Party Plaintiffs)

v.)

CITISTREET, LLC,)

Third Party Defendant)

ORDER APPROVING DISTRIBUTION PLAN

After Notice and Hearing, It Is Hereby ORDRED And ADJUDGED:

1. Notice having been provided to Plan participants, and no objections having been received, the distribution plan proposed by the Independent Fiduciary (see Docket No. 90) is approved by the Court, and the Independent Fiduciary is authorized to distribute Plan assets in accordance with said plan.

IT IS SO ORDERED,

UNITED STATES DISTRICT JUDGE NANCY GERTNER

Date: